

April 7, 2004 BZA



REQUEST ANALYSIS
AND
RECOMMENDATION

04AN0217

Robert M. Harton

Midlothian Magisterial District
13950 Whitechapel Road

REQUEST: A 2.5 foot Variance to the ten (10) foot side yard setback requirement for a proposed detached garage in a Residential (R-40) District.

RECOMMENDATION

Recommend denial of this Variance for the following reasons:

- A. As required by the Zoning Ordinance, there are no conditions upon which the request is based that are unique to the property and are not generally applicable to other properties in the area.
- B. Variance is not in accord with the Zoning Ordinance.

GENERAL INFORMATION

Location:

Property is known as 13950 Whitechapel Road. Tax ID 725-721-6005 (Sheet 1).

Existing Zoning:

R-40

Size:

0.9 acre

Existing Land Use:

Residential

Adjacent Zoning and Land Use:

North - R-40; Residential

South - R-40; Residential

East - R-40; Open Area

West - R-40; Residential

Utilities:

Public water and private septic system

Transportation:

This request will not cause a sight distance problem along Whitechapel Road.

General Plan:

(Old Gun/Robious Area Plan)

Residential

(One (1) dwelling per acre or less)

DISCUSSION

The applicant is proposing to construct a thirty (30) by forty (40) foot detached garage 7.5 feet from the south property line (see attached site plan). The Zoning Ordinance requires a ten (10) foot setback requirement. Therefore, the applicant requests a 2.5 foot Variance.

The applicant provides the following justification in support of this request:

The proposed garage will be used to house a boat, trailer, antique automobile and workshop. The garage will be built adjacent to the house which sits sideways on the lot, the angle of which is not perpendicular to the street. One (1) corner of the proposed building will be 2.5 feet closer to the line at one (1) corner in order to look right in proportion to the house and to allow adequate turning radius.

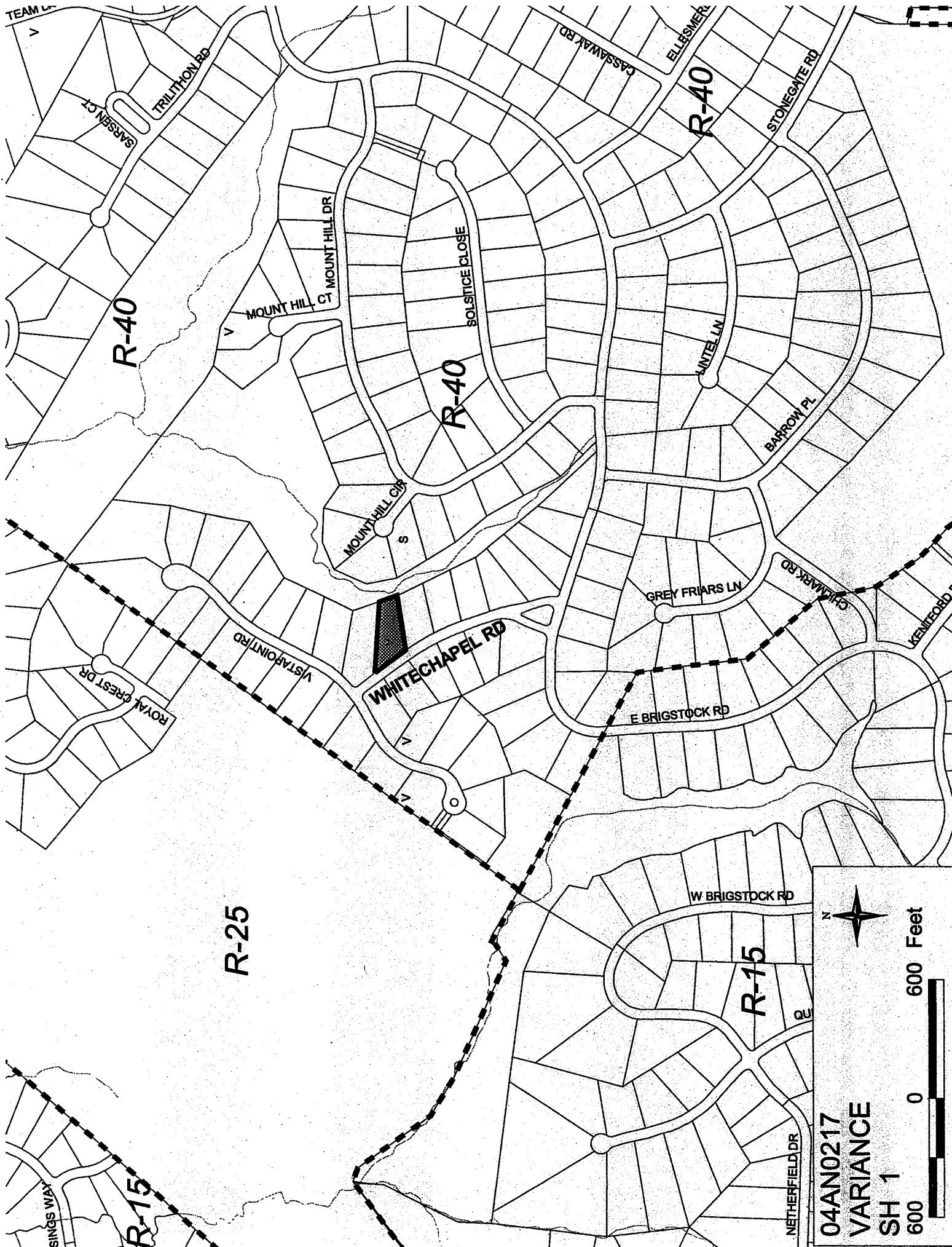
Staff has reviewed the attached site plan and the applicant's proposal. Staff finds that there are no extraordinary circumstances, conditions or physical features that would prohibit adherence to the required setbacks. Therefore, the test for Variances as specified in the Zoning Ordinance (Section 19-21 (b)) has not been met. In addition, it is staff's opinion that an alternative exists to the request. Staff believes the proposed garage could be reduced in size by 2.5 feet which would meet setbacks and eliminate the need for this request.

Because an alternative exists and the applicant has not provided evidence of extraordinary conditions, staff does not support this request.

Should the Board of Zoning Appeals approve this request, it should be applicable to this garage only. Other structures could be constructed to this reduced setback. Therefore, staff recommends if this request is approved, it be subject to the following condition:

CONDITION

This Variance shall be for the proposed garage as depicted on the plat attached to staff's report.



04AN0217
VARIANCE
SH 1
600 0 600 Feet

